

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN.,

Plaintiff,

v.

M. ROSS,

Defendant.

No. 1:21cv-01096-HBK (PC)

ORDER REFERRING CASE TO POST-
SCREENING SETTLEMENT

Hearing: **Settlement Conference**

Date: **April 23, 2024**

Time: **11:00 a.m.**

Judge: **Stanley A. Boone**

Location: via Zoom Videoconference

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Because it takes years to get to trial, the Court had identified this case as an appropriate case for post-screening ADR (Alternative Dispute Resolution), which is an effort to resolve such cases more expeditiously and less expensively. (Doc. No. 19). Neither party opted out of the settlement conference by the opt out date. (*Id.*, setting January 9, 2024 as opt out date).

Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a **video settlement conference, via the Zoom videoconferencing application**, on **April 23, 2024, at 11:00 a.m.** Counsel for Defendant shall contact Courtroom Deputy Jan Nguyen at (559) 499-5672 or jnguyen@caed.uscourts.gov for the video and dial-in information, including any necessary

1 passcodes, for all parties. Counsel for Defendant is also required to arrange for Plaintiff's
2 participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed
3 and providing the necessary Zoom contact information.

4 The parties shall each submit to Judge Boone a confidential settlement conference
5 statement, as described below, to arrive at least seven days (one week) prior to the conference.

6 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
7 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what
8 the restitution obligation is, but what the value of the case itself is to each side, irrespective of any
9 outstanding restitution obligation.

10 Because Defendant elected not to opt out of the settlement conference, Defendant shall be
11 prepared to negotiate the merits of the case and offer more than a waiver of costs as a reasonable
12 compromise to settle the case. The parties are also informed that an offer of dismissal in exchange
13 for a waiver of costs is not considered good faith settlement negotiations.

14 In accordance with the above, IT IS HEREBY ORDERED that:

- 15 1. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
16 **application**, before Magistrate Judge Stanley A. Boone on **April 23, 2024 at 11:00**
17 **a.m.**
- 18 2. A representative with full and unlimited authority to negotiate and enter into a binding
19 settlement shall attend **via the Zoom videoconferencing application**.¹
- 20 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
21 The failure or refusal of any counsel, party or authorized person subject to this order
22 to appear in person may result in the cancellation of the conference and the imposition
23 of sanctions. The manner and timing of Plaintiff's transportation to and from the
24 conference is within the discretion of CDCR.
- 25 4. Defendants shall provide a confidential settlement statement to the following email
26 address: **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential
27

28 ¹ In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court may issue an order at a later date requiring the parties to appear in person.

1 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California
2 93721, “**Attention: Magistrate Judge Stanley A. Boone.**” The envelope shall be
3 marked “Confidential Settlement Statement.” Plaintiff must promptly mail his
4 settlement statement, so it arrives no later than **April 16, 2024**. Parties shall also file
5 a Notice of Submission of Confidential Settlement Statement (See Local Rule 270(d)).
6 Settlement statements **should not be filed** with the Clerk of the Court **nor served on**
7 **any other party**. Settlement statements shall be clearly marked “Confidential” with
8 the date and time of the settlement conference indicated prominently thereon.

9 5. The confidential settlement statement shall be **no longer than five pages** in length,
10 typed or neatly printed, and include the following:

- 11 a. A brief statement of the facts of the case.
- 12 b. A brief statement of the claims and defenses, i.e., statutory or other grounds
13 upon which the claims are founded; a forthright evaluation of the parties’
14 likelihood of prevailing on the claims and defenses; and a description of the
15 major issues in dispute.
- 16 c. An estimate of the cost and time to be expended for further discovery, pretrial,
17 and trial.
- 18 d. The party’s position on settlement, including present demands and offers and
19 a history of past settlement discussions, offers, and demands.
- 20 e. A brief statement of each party’s expectations and goals for the settlement
21 conference, including how much a party is willing to accept and/or willing to
22 pay.
- 23 f. If parties intend to discuss the joint settlement of any other actions or claims
24 not in this suit, give a brief description of each action or claim as set forth
25 above, including case number(s) if applicable.

26 6. If a settlement is reached at any point during the stay of this action, the parties shall
27 file a Notice of Settlement in accordance with Local Rule 160.


28 7. **Defense counsel shall contact the Litigation Coordinator at the institution where**

Plaintiff is housed to determine whether the institution can accommodate a Zoom video appearance by Plaintiff at this date and time.

8. The parties remain obligated to keep the Court informed of their current address at all times during the stay and while the action is pending. Any change of address must be reported promptly to the Court in a separate document captioned for this case and entitled "Notice of Change of Address." See Local Rule 182(f).

9. **A failure to follow these procedures may result in the imposition of sanctions by the court.**

Dated: January 19, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE